

(2023) 02 KL CK 0002

In the High Court Of Kerala

Case No : Original Petition (C) No. 260 Of 2023

Kundilepeedikayil Pannen Abdul Hakkim

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 01-02-2023

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2023) 02 KL CK 0002

Hon'ble Judges : C.S.Dias, J

Bench : Single Bench

Advocate : Cibi Thomas, Ansia K.A.

Final Decision : Allowed

Judgement

C.S.Dias, J

1. The original petition is filed to direct the Appellate Authority (LR), Kannur, to issue the certified copy of the order dated 20.01.2023 passed in I.A. No.96/2011 in A.A. No.76/2011 within a time frame.

2. The concise case of the petitioner in the original petition is that, he was the 2nd respondent in A.S.No.76/2011 pending before the Appellate Authority (LR), Kannur. The appeal was filed by the respondent with an inordinate delay of 36 years. Even though the petitioner objected to the delay petition, the same has been allowed by the Appellate Authority. The petitioner proposes to challenge the said order. Even though he has made an application for obtaining the certified copy of the order in I.A. No.96/2011, the same has not been issued. If this Court does not direct the Appellate Authority, it will cause prejudice and hardship to the petitioner. Hence, the original petition.

3. Heard, Sri.Cibi Thomas, the learned counsel appearing for the petitioner. In view of the limited relief that I propose to pass, I dispense with notice to the respondents.

4. On a consideration of the pleadings and materials on record and taking note of the fact that the petitioner has already submitted C.A.No.18/2023 before the Appellate Authority, to obtain the certified copy of the order in I.A. No.96/2011 in A.A.No.76/2011, I am of the view that the original petition is to be allowed.

In the result, in exercise of the supervisory powers of this Court under Article 227 of the Constitution of India, I allow the original petition as follows:-

(i) The Appellate Authority (LR), Kannur, is directed to issue the certified copy of the order dated 20.1.2023 in I.A. No.96/2011 in A.A. No.76/2011, in accordance with law, if the application is in order, as expeditiously as possible, at any rate within a period of two weeks from the date of receipt of a certified copy of this judgment.

(ii) The Appellate Authority (LR), Kannur, is directed to defer further proceedings in A.A.No.76/2011 for a period of four weeks from today.